

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

LOUIS DAVID BROWN

PLAINTIFF

versus

CIVIL ACTION NO. 2:05cv131-KS-MTP

CHRISTOPHER B. EPPS, et al

DEFENDANT

REPORT AND RECOMMENDATION

THIS MATTER is before the Court on Plaintiff's Motion for Temporary Restraining Order [32] filed November 10, 2005. The Court having considered the matter recommends that the motion should be denied as moot.

The motion filed by the Plaintiff seeks injunctive relief in the form of a transfer to another prison facility. Since the filing of the motion the Plaintiff has been transferred from SMCI Unit-7 Leakeville, Mississippi to Unit 29-K Parchman, Mississippi. (See Docket No. [38] indicating change of address as of February 6, 2006). Therefore, it appears that the specific circumstances which the motion sought to address no longer exist.

Accordingly, the Court recommends that the Plaintiff's Motion for a Temporary Restraining Order [32] should be DENIED as moot.

In accordance with the Rules of this Court, any party, within ten days after being served a copy of this recommendation, may serve and file written objections to the recommendations, with a copy to the District Judge, the U.S. Magistrate Judge, and the opposing party. The District Judge at that time may accept, reject or modify in whole or in part, the recommendation of the Magistrate Judge, or may receive further evidence or recommit the matter to this Court with instructions. Failure to timely file written objections to proposed findings, conclusions, and recommendations contained in this report will bar an aggrieved party, except on the grounds of plain error, from

attacking on appeal proposed factual findings and legal conclusions accepted by the District Court to which a party has not objected. Douglass v. United States Auto Ass'n, 79 F.3d 1425 (5th Cir. 1996).

THIS, the 21st day of August, 2006.

s/ Michael T. Parker

United States Magistrate Judge